

**ASSEMBLY BILL**

**No. 2001**

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**Introduced by Assembly Member Swanson**

February 15, 2008

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An act to add Section 53087.6 to the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2001, as introduced, Swanson. Local government: whistleblower hotlines.

Existing law requires the State Auditor to maintain a whistleblower hotline to receive calls from persons who have information regarding possible violations of state or federal statutes, rules, or regulations, or violations of fiduciary responsibility by a corporation or limited liability company to its shareholders, investors, or employees.

This bill would authorize a city or county auditor or controller to maintain a whistleblower hotline to receive calls from persons who have information regarding possible violations by local government employees of state, federal, or local statutes, rules, or regulations.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 53087.6 is added to the Government
- 2 Code, to read:
- 3 53087.6. (a) A city or county auditor or controller may
- 4 maintain a whistleblower hotline to receive calls from persons who

1 have information regarding possible violations by local government  
2 employees of state, federal, or local statutes, rules, or regulations.

3 (b) During the initial review of a call received pursuant to  
4 subdivision (a), the auditor or controller, or other appropriate  
5 governmental agency, shall hold in confidence information  
6 disclosed through the whistleblower hotline, including the identity  
7 of the caller disclosing the information and the employer identified  
8 by the caller.

9 (c) A call made to the whistleblower hotline pursuant to  
10 subdivision (a), or its referral to an appropriate agency under  
11 subdivision (b) may not be the sole basis for a time period under  
12 a statute of limitation to commence. This section does not change  
13 existing law relating to statutes of limitation.

14 (d) Upon receiving specific information that an employee or  
15 local agency has engaged in an improper governmental activity,  
16 a city or county auditor or controller may conduct an investigative  
17 audit of the matter. The identity of the person providing the  
18 information that initiated the investigative audit shall not be  
19 disclosed without the written permission of that person, unless the  
20 disclosure is to a law enforcement agency that is conducting a  
21 criminal investigation.

22 (e) For purposes of this section, “employee” means any  
23 individual employed by any county, city, or city and county,  
24 including any charter city or county, and any school district,  
25 community college district, municipal or public corporation, or  
26 political subdivision.